

IN THE CLAIMS:

Claims 2, 8, 13 and 17 are canceled herein. Claims 1, 3-7, 9-12, 14-16 and 18 – 28 have been amended herein. All of the pending claims are presented below. This listing of claims will replace all prior versions and listings of claims in the application. Please enter these claims as amended.

Listing of Claims:

1. (Currently amended) ~~A~~ An isolated adenovirus packaging cell comprising in its genome:

a first nucleic acid sequence encoding adenovirus E1A and E1B gene products; ~~wherein the cell lacks a~~ but lacking a nucleic acid sequence ~~from an encoding~~ adenovirus pIX ~~gene that can mediate homologous recombination with a second nucleic acid sequence encoding a functional or active pIX gene product.~~

2. (Canceled).

3. (Currently amended) The isolated adenovirus packaging cell of claim 1, wherein said first nucleic acid sequence comprises nucleotides 459-3510 of the human adenovirus 5 genome.

4. (Currently amended) The isolated adenovirus packaging cell of claim 1, wherein the isolated adenovirus packaging cell is of a retina cell origin.

5. (Currently amended) The isolated adenovirus packaging cell of claim 1, wherein the isolated adenovirus packaging cell is of a primary cell origin.

6. (Currently amended) The isolated adenovirus packaging cell of claim 1, wherein the isolated adenovirus packaging cell is of an embryonal cell origin.

7. (Currently amended) The isolated adenovirus packaging cell of claim 1, wherein the isolated adenovirus packaging cell is a human cell.

8. (Canceled).

9. (Currently amended) The isolated adenovirus packaging cell of claim 1, wherein the isolated adenovirus packaging cell is a PER.C6 cell as deposited under no. 96022940 at the European Collection of Animal Cell Cultures, ~~or a derivative thereof.~~

10. (Currently amended) The isolated adenovirus packaging cell of claim 1, further comprising a nucleic acid sequence encoding an adenovirus E2A gene product.

11. (Currently amended) The isolated adenovirus packaging cell of claim 10, wherein the adenovirus E2A gene product includes a temperature sensitive 125 mutation.

12. (Currently amended) An isolated adenovirus packaging cell comprising in its genome:

a first nucleic acid sequence encoding adenovirus E1A and E1B proteins but ~~said cell~~ lacking a nucleic acid sequence encoding from an adenovirus pIX, ~~gene that can mediate homologous recombination with a second nucleic acid sequence encoding a functional or active pIX gene product.~~

13. (Canceled).

14. (Currently amended) The isolated adenovirus packaging cell of claim 12, comprising nucleotides 459-3510 of the human adenovirus 5 genome incorporated therein.

15. (Currently amended) The isolated adenovirus packaging cell of claim 12, wherein the isolated adenovirus packaging cell is of a retina cell origin.

16. (Currently amended) The isolated adenovirus packaging cell of claim 15, wherein the isolated adenovirus packaging cell is a human cell.

17. (Canceled)

18. (Currently amended) The isolated adenovirus packaging cell of claim 16, wherein the isolated adenovirus packaging cell ~~originates from~~ is a PER.C6 cell as deposited under no. 96022940 at the European Collection of Animal Cell Cultures, ~~or a derivative thereof.~~

19. (Currently amended) The isolated adenovirus packaging cell of claim 12, further comprising a nucleic acid sequence encoding an adenovirus E2A protein.

20. (Currently amended) The isolated adenovirus packaging cell of claim 19, wherein the adenovirus E2A protein includes a temperature sensitive 125 mutation.

21. (Currently amended) The isolated adenovirus packaging cell of claim 1, further comprising a recombinant expression vector derived from a human adenovirus genome, wherein said expression vector comprises an adenovirus gene encoding a pIX protein and further wherein said expression vector lacks nucleic acid sequences that overlap with said first nucleic acid sequence.

22. (Currently amended) The isolated adenovirus packaging cell of claim 10, wherein the nucleic acid sequence encoding an adenovirus E2A protein is operatively linked to an E1A-independent transcription initiation region.

23. (Currently amended) The isolated adenovirus packaging cell of claim 21, wherein the recombinant expression vector is IG.Ad.MLPI.TK shown in FIG. 12.

24. (Currently amended) The isolated adenovirus packaging cell of claim 21, wherein the recombinant expression vector is derived from a human adenovirus 5 genome from which nucleotides 459-3510 have been deleted.

25. (Currently amended) The isolated adenovirus packaging cell of claim 12, further comprising a recombinant expression vector derived from a human adenovirus genome, wherein said expression vector comprises an adenovirus gene encoding a pIX protein and further wherein said expression vector lacks nucleic acid sequence that overlaps with said first nucleic acid sequence.

26. (Currently amended) The isolated adenovirus packaging cell of to claim 19, wherein the nucleic acid sequence encoding an adenovirus E2A protein is operatively linked to an E1A-independent transcription initiation region.

27. (Currently amended) The isolated adenovirus packaging cell of claim 25, wherein the recombinant expression vector is IG.Ad.MLPI.TK shown in FIG. 12.

28 (Currently amended) The isolated adenovirus packaging cell of claim 25, wherein the recombinant expression vector is derived from a human adenovirus 5 genome from which nucleotides 459-3510 have been deleted.